

1 MARK KRAUSE  
Acting Executive Director  
2 STEVEN MEINRATH  
Commission Counsel  
3 FAIR POLITICAL PRACTICES COMMISSION  
428 J Street, Suite 620  
4 Sacramento, CA 95814  
Telephone: (916) 322-5660  
5 Attorneys for Complainant  
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8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
9 STATE OF CALIFORNIA  
10  
11

12 In the Matter of	)	FPPC No.: 99/415
	)	
	)	
14 FREEDOM AND FREE ENTERPRISE PAC;	)	STIPULATION, DECISION and
and THOMAS P. KEMP, Treasurer,	)	ORDER
	)	
16 Respondents.	)	
	)	

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18 The complainant, Acting Executive Director of the Fair Political Practices Commission, Mark  
19 Krause, and Respondents, Freedom and Free Enterprise PAC and Thomas P. Kemp, hereby agree that  
20 this Stipulation will be submitted for consideration by the Fair Political Practices Commission at its next  
21 regularly scheduled meeting.

22 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this  
23 matter and to reach a final disposition without the necessity of holding an administrative hearing to  
24 determine the liability of Respondents.

25 Respondents understand and hereby knowingly and voluntarily waive any and all procedural  
26 rights under Government Code sections 83115.5 and 11503, and Title 2, California Code of Regulations  
27 section 18361, including but not limited to the issuance and receipt of an accusation, and the right to be  
28 represented by an attorney at Respondents' own expense, to appear personally in any administrative

1 hearing held in this matter, to confront and cross-examine all witnesses testifying at the hearing, to  
2 subpoena witnesses to testify at the hearing and to have an impartial administrative law judge present at  
3 the hearing to act as a hearing officer.

4 It is further stipulated and agreed that Respondents violated the Political Reform Act in that  
5 Respondents failed to file a major donor statement and two late contribution reports, in violation of  
6 Government Code sections 84200, subdivision (b) and 84203, subdivision (b) (three counts), as  
7 described in Exhibit 1, attached hereto and incorporated herein by reference, which is a true and accurate  
8 summary of the facts in this matter.

9 Respondents agree to the issuance of the Decision and Order and imposition by the Commission  
10 of a fine in the amount of Three Thousand Dollars dollars (\$3,000), and a cashier's check in said  
11 amount, payable to the "General Fund of the State of California," is submitted herewith to be held by the  
12 State of California until the Commission issues its Decision and Order.

13 The parties agree that in the event the Commission refuses to accept this Stipulation, it shall  
14 become null and void, and within fifteen (15) business days after the Commission meeting at which this  
15 Stipulation is rejected, payments tendered shall be reimbursed to Respondents. Respondents further  
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1 stipulate and agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing  
2 before the Commission becomes necessary, no member of the Commission, nor the Executive Director,  
3 shall be disqualified because of prior consideration of this Stipulation.

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5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Krause  
Acting Executive Director  
Fair Political Practices Commission

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11 Dated: \_\_\_\_\_

\_\_\_\_\_  
Thomas P. Kemp, as Treasurer and on behalf of Freedom  
and Free Enterprise PAC, Respondents.

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16 Dated: \_\_\_\_\_

\_\_\_\_\_  
Charles H. Bell  
Bell, McAndrews, Hiltachk and Davidian  
Attorneys for Respondents.

**ORDER**

The foregoing stipulation of the parties “In the Matter of Freedom and Free Enterprise PAC and Thomas P. Kemp, FPPC No. 99/415,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

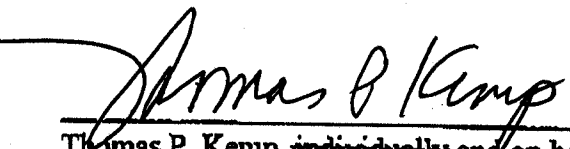
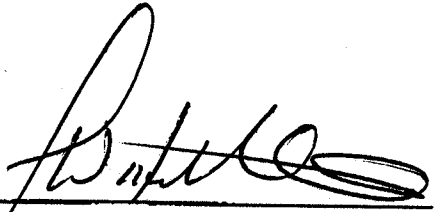
Dated: \_\_\_\_\_

\_\_\_\_\_  
Karen A. Getman, Chairman  
Fair Political Practices Commission

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1 stipulate and agree that in the event the Commission rejects the Stipulation and a full evidentiary hearing  
2 before the Commission becomes necessary, no member of the Commission, nor the Executive Director,  
3 shall be disqualified because of prior consideration of this Stipulation.

Dated: 7/24/01  
Mark KrauseActing Executive Director  
Fair Political Practices CommissionDated: 7/20/01  
Thomas P. Kemp, ~~individually~~ as treasurer  
and Free Enterprise PAC, Respondents.Dated: 7/23/01  
Charles H. Bell Thomas W. Hiltachk  
Be I, McAndrews, Hiltachk and Davidian  
Attorneys for Respondents.